

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Case No. 22-CR-90 (KMM/LIB)

Plaintiff,

vs.

**MOTION FOR DETERMINATION OF
COMPETENCE**

George Francis Deppa,

Defendant.

Kurt B. Glaser, attorney for the defendant, on behalf of the defendant, moves the Court for an Order to determine the defendant's competency. This motion is pursuant to 18 U.S.C. § 4241.

Under 18 U.S.C. § 4241(d), a defendant is incompetent if the court finds by a preponderance of the evidence that he or she "is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense." See also, *Dusky v. U.S.*, 362 U.S. 402 (1960).

The U.S. Attorney, the defense, or the court on its own motion, can move for a judicial determination of competency. 18 U.S.C. §4241(a). The motion must establish reasonable cause to believe the defendant presently may be suffering from mental disease or defect rendering him incompetent. If the motion establishes reasonable cause, the court "shall grant the motion" and may order an initial competency evaluation. The grounds for this Motion are set forth in the accompanying sealed Memorandum of Support of Motion for Determination of Competence.

Council for the Government requests the opportunity to review and respond to the instant motion on or before the close of business on November 22, 2022.

Respectfully Submitted,

**BERGLUND, BAUMGARTNER,
KIMBALL & GLASER, L.L.C.**
By C.J.A. Appointment

Dated: November 17, 2022

By: s/ Kurt B. Glaser
Kurt B. Glaser (#228886)
405 Union Plaza Building
333 Washington Avenue North
Minneapolis, Minnesota 55401
(612) 333-6513
(612) 333-3821 Fax
KGlaser@BBKGlaw.com

ATTORNEYS FOR DEFENDANT